

Message Text

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43

ACTION NEA-09

INFO OCT-01 EUR-12 EA-06 ISO-00 NEAE-00 SSO-00 NSCE-00

USIE-00 INRE-00 CIAE-00 DODE-00 PM-03 H-01 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 SAJ-01

SAM-01 SAB-01 IO-10 AID-05 PC-01 /084 W

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O R 131230Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6891

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY TEHRAN

AMEMBASSY MOSCOW

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

AMCONSUL LAHORE

AMCONSUL HONG KONG

USLO PEKING

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 2119

E.O. 11652: GDS

TAGS: PFOR, IN, PK

SUBJECT: KASHMIR -- SHEIKH ABDULLAH TO RETURN TO POWER

REF: NEW DELHI 1041

SUMMARY: KASHMIRI LEADER SHEIKH ABDULLAH CONFIRMED FEBRUARY 12 THAT HE WILL RETURN TO POWER IN KASHMIR FEBRUARY 24. WHILE NO TEXT OF AN AGREEMENT BETWEEN HIM AND MRS. GANDHI HAS BEEN RELEASED, AND THERE ARE APPARENTLY SOME MINOR DETAILS LEFT TO CONFIDENTIAL

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BE DECIDED, THERE SEEMS TO BE NO DOUBT THAT IT WILL GO THROUGH.

IT LOOKS AS THOUGH SHEIKH ABDULLAH HAS GOTTEN VERY LITTLE EXCEPT FOR AN ASSURANCE THAT THE GOI WILL NOT CHANGE THE STATUS OF KASHMIR. HE WON'T JOIN THE CONGRESS PARTY AND HE MAY GET THE URDU TITLE FOR PRIME MINISTER FOR USE WITHIN THE STATE, BUT OTHERWISE THERE WON'T BE MUCH DIFFERENCE BETWEEN HIS POSITION AND THAT OF THE OUTGOING CONGRESS PARTY CHIEF MINISTER OF THE STATE. HIS RETURN MEANS ESSENTIALLY THAT FOR THE FIRST TIME IN OVER 20 YEARS THE STATE WILL BE GOVERNED BY THE ACKNOWLEDGED LEADER OF THE MAJORITY COMMUNITY, A LEADER WHO NOW PUBLICLY SAYS THE STATE'S ACCESSION TO INDIA IS FINAL. CONSTITUTIONALLY, THE AGREEMENT (AS WE CURRENTLY UNDERSTAND IT) DOES NOT APPEAR TO CHANGE KASHMIR'S STATUS EITHER WITHIN INDIA OR INTERNALLY WITHIN THE STATE, AND THUS DOES NOT SEEM TO RUN COUNTER TO THE SPIRIT OF THE SIMLA AGREEMENT. IT BHUTTO GOES THROUGH WITH HIS CALL FOR A HARTAL, THERE MAY BE MINOR DISTURBANCES IN THE STATE FOR A BRIEF PERIOD. INDIA EXPECTS THAT IF AS A RESULT OF THE AGREEMENT BHUTTO HALTS NEGOTIATIONS ABOUT VARIOUS ASPECTS OF NORMALIZATION OF RELATIONS WITH INDIA, THE INTERRUPTION WILL BE ONLY TEMPORARY. END SUMMARY.

1. SHEIKH ABDULLAH TOLD A PRESS CONFERENCE IN MADRAS FEBRUARY 12 THAT HE WILL BECOME HEAD OF GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR FEBRUARY 24. THIS CONFIRMS EARLIER PRESS REPORTS THAT THE CONGRESS PARTY IN THE STATE LEGISLATURE WILL MEET FEBRUARY 21 TO ELECT SHEIKH ABDULLAH CHIEF MINISTER-DESIGNATE, THAT CHIEF MINISTER MIR QASIM WILL RESIGN FEBRUARY 22, AND THAT SHEIKH ABDULLAH WILL ASSUME OFFICE TWO DAYS LATER.

2. THE AGREEMENT: NO TEXT HAS BEEN RELEASED, BUT MANY DETAILS ARE AVAILABLE FROM WHAT ABDULLAH SAID IN MADRAS, FROM THE STATEMENTS OF HIS ASSOCIATE MIRZA AFZAL BEG, AND FROM REPORTS OF A BRIEFING GIVEN TO CONGRESS PARTY MEMBERS OF PARLIAMENT FROM THE STATE FEBRUARY 10. THE SHEIKH WILL NOT JOIN THE CONGRESS PARTY AND WILL INITIALLY, HAVE A SMALL CABINET OF FOUR PROMINENT KASHMIRIS, NONE OF WHOM IS A MEMBER OF THE CONGRESS PARTY. MIR QASIM, THE PRESENT CONGRESS PARTY CHIEF MINISTER OF THE STATE, WILL REMAIN IN KASHMIR FOR THE TIME BEING RATHER THAN BECOMING A MINISTER IN THE NATIONAL GOVERNMENT AS WAS EARLIER PLANNED. THERE WILL BE NO GENERAL ELECTION IN THE STATE IMMEDIATELY, AND PROBABLY NOT UNTIL ONE IS REGULARLY SCHEDULED, IN 1977. (IF
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ELECTIONS ARE NOT UNTIL THEN, A MEMBER OF THE STATE LEGISLATURE WILL HAVE TO RESIGN TO LET SHEIKH ABDULLAH BECOME ELECTED WITHIN SIX MONTHS.) SHEIKH ABDULLAH'S POLITICAL ORGANIZATION (OF WHICH HE IS NOT A MEMBER) WILL GIVE UP THE NAME "PLEBISCITE FRONT" BUT WILL NOT MERGE WITH THE CONGRESS.

3. CONSITUIONALLY, THERE WILL BE NO DISCERNIBLE CHANGE. MIRZA AFZAL BEG TOLD SUPPORTERS IN KASHMIR FEBRUARY 12 THAT ARTICLE

370 OF THE INDIAN CONSITUTION, WHICH LIMIT THE AUTHORITY OF THE NATIONAL GOVERNMENT TO LEGISLATE ON MATTERS AFFECTING JAMMU AND KASHMIR WITHOUT CONCURRENCE OF THE STATE, WILL BE MADE A "PERMANENT FEATURE" OF THE CONSITUTION. (IT WAS ORIGINALLY INCLUDED AS A "TEMPORARY AND TRANSITIONAL PROVISION.") SHEIKH ABDULLAH HAS APPARENTLY WITHDRAWN HIS DEMAND THAT ALL LAWS EXTENDED TO THE STATE SINCE HE WAS DEPOSED IN 1953 BE REVIEWED BY A "FREELY-ELECTED" STATE LEGISLATURE. ALL LAWS ON SUBJECTS SPECIFIED IN THE INDIAN CONSITUTION AS RESERVED TO THE NATIONAL GOVERNMENT WILL REPORTEDLY REMAIN IN FORCE. THIS INCLUDES THE LAWS EXTENDING THE SUPREME COURT AND ELECTION COMMISSION JURISDICTION TO THE STATE, WHICH ABDULLAH PARTICULARLY OPPOSED. THE STATE LEGISLATURE WILL, HOWEVER, REVIEW LAWS ON SUBJECTS SPECIFIED IN THE CONSITUTION AS FOR CONCURRENT STATE AND NATIONAL JURISDICTION.

4. ABDULLAH CONFIRMED IN MADRAS THAT ONE ISSUE STILL NOT YET SETTLED IN WHETHER HE WILL USE THE TITLE WAZIR-E-AZAM, WHICH IS URDU FOR PRIME MINISTER. THERE IS APPARENTLY LESS LIKELIHOOD THAT THE TITLE OF THE GOVERNOR WILL BE CHANGED TO THE OLD "SADR-IRIYASAT," OR HEAD OF STATE. EITHER ACTION WILL REPORTEDLY REQUIRE AMENDMENT OF THE STATE CONSITUTION. WE HAD HEARD EARLIER THAT, IN ANY CASE, FOR NATIONAL PURPOSES THE TITLES WOULD REMAIN THE ENGLISH TERMS "CHIEF MINISTER" AND "GOVERNOR."

5. ASSUMING THE ABOVE ACCURATELY REFLECTS THE AGREEMENT, ITS MOST IMPORTANT RESULT IS THAT SHEIKH ABDULLAH RETURNS TO OFFICE AFTER OVER 20 YEARS IN THE WILDERNESS. AS THE CHIEF INDIAN NEGOTIATOR ON THIS ISSUE FOR THE PAST FEW YEARS, G. PARTHASARATHY, TOLD THE CHARGE LAST WEEK, THE AGREEMENT ESSENTIALLY AMOUNTS TO THE GOI ASSURING SHEIKH ABDULLAH THERE WILL BE NO CHANGE IN THE STATUS OF KASHMIR, IN EXCHANGE FOR THE SHEIKH ENTERING THE KASHMIR GOVERNMENT. IN RETROSPECT THE AGREEMENT COULD HAVE BEEN CONFIDENTIAL

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REACHED MONTHS EARLIER. BUT THE AGING SHEIKH VACILLATED AT SEVERAL CRITICAL JUNCTURES, AND THE GOI WISELY SAW NO POINT IN FORCING THE PACE OF THE TALKS: TIME HAS BEEN WORKING IN ITS FAVOR AT LEAST SINCE 1971 AND THE VICTORY OVER PAKISTAN. HAD THE SHEIKH STOOD ON PRINCIPLE AND TRIED TO TURN THE LEGAL-CONSITUTIONAL CLOCK ALL THE WAY BACK TO THE DAY OF HIS OUSTER IN 1953, HE WOULD NOT HAVE SUCCEEDED. DESPITE HIS AGO AND CONCEITS, HE IS PRESUMABLY UNDER NO ILLUSION THAT EVEN THE RESTORATION OF THE URDU TITLE FOR PRIME MINISTER CONNOTES ANY GENEROUS REAL TRANSFER OF POWER TO JAMMU AND KASHMIR AND JAMMU FROM NEW DELHI.

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SAM-01 SAB-01 IO-10 AID-05 PC-01 /084 W

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O R 131230Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6892

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY TEHRAN

AMEMBASSY MOSCOW

AMCONSUL BOMBAY

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AMCONSUL LAHORE

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C O N F I D E N T I A L SECTION 2 OF 2 NEW DELHI 2119

6. THE SHEIKH HAS BEEN RECONCILED TO A GOI ROLE IN THE STATE'S AFFAIRS ON OCCASIONS IN THE PAST. THE SHEIKH NOT ONLY SUPPORTED KASHMIR'S ACCESSION TO INDIA AFTER INDEPENDENCE BUT SIGNED AN AGREEMENT SHORTLY BEFORE HIS OVERTHROW WHICH RECOGNIZED THE GOI'S PARAMOUNTCY ON A RANGE OF MATTERS VITAL TO THE CENTER. THE ABDULLAH-NEHRU AGREEMENT ON JULY 24, 1952 (THE SO CALLED DELHI AGREEMENT) ACKNOWLEDGED THE STATE'S INTERNAL AUTONOMY BUT MADE CLEAR THAT THE PRESIDENT OF INDIA COULD EXERCISE HIS EMERGENCY POWERS (WITH THE CONCURRENCE OF THE STATE IN THE CASE OF INTERNAL DISBURBANCES), THAT FUNDAMENTAL CONSITUTIONAL RIGHTS WERE APPLICABLE, AND THE INDIAN SUPREME COURT WAS TO

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SERVE AS THE FINAL ARBITER IN STATE-CENTER CONSTITUTIONAL CONFLICTS. WHILE THE SHEIKH FOR TACTICAL REASONS STALLED ON IMPLEMENTING THE DELHI AGREEMENT BEFORE HIS OUSTER IN AUGUST 1953, HE COULD NOT RESIST DELHI THIS TIME.

7. SHORT-TERM NATURE OF THE AGREEMENT: NOBODY IS LOOKING VERY FAR BEYOND THE NEXT FEW MONTHS, WHICH LENDS AN AIR OF TENTATIVENESS TO THE WHOLE AGREEMENT. WHEN WILL ELECTIONS BE HELD IN THE STATE? HOW WILL THE CONGRESS AND THE RENAMED PLEBISCITE FRONT FIGHT THE ELECTION? NOBODY CAN SAY. THE CONGRESS PARTY KEEPS A MAJORITY IN THE STATE LEGISLATURE UNTIL THEN AND CAN, THEREFORE, RESTRAIN ABDULLAH WHENEVER IT WISHES. THE SHEIKH FOR HIS PART CAN ALWAYS BACK OUT OF THE UNDERSTANDING WITH MRS. GANDHI IF HE FINDS THAT OPPOSITION WITHIN THE STATE BEGINS TO MOUNT AFTER HE ASSUMES LEADERSHIP OR IF HE DECIDES TO PUT PRESSURE ON NEW DELHI FOR EVEN FURTHER CONCESSIONS AT A LATER DATE.

8. PUBLIC EXPLANATIONS: MRS. GANDHI AND SHEIKH ABDULLAH WILL HAVE TO EXERCISE CARE IN PRESENTING THE AGREEMENT TO THEIR SUPPORTERS. IF THEY MAKE IT SOUND AS THOUGH THEY HAVE ACHIEVED TOTAL VICTORY, THEY WILL ALIENATE THE SUPPORTERS OF THE OTHER AND RUN THE RISK OF UNDOING THE WHOLE UNDERSTANDING. SHEIKH ABDULLAH GOT OFF TO A GOOD START IN MADRAS. HE SAID, "IT IS DIFFICULT TO HAVE FULL SATISFACTION . . . UNLESS YOU ARE ABLE TO COMPROMISE, YOU CANNOT HAVE HAPPINESS." THE KASHMIR ISSUE COULD NOT BE WITHDRAWN FROM THE UN BUT THE UN COULD BE BYPASSED IF THE TWO SIDES -- INDIA AND PAKISTAN -- COULD COME TO AN AGREEMENT. WOULD HE HOLD CONSULTATIONS WITH PAKISTAN? "IT IS NOT A QUESTION OF CONSULTING PAKISTAN. PART OF KASHMIR IS UNDER PAKISTAN'S CONTROL AND UNLESS THE WHOLE PROBLEM IS SOLVED, THERE WON'T BE DURABLE PEACE." DID HE PROPOSE TO MEET BHUTTO? "IT IS THE PRIVILEGE OF THE PRIME MINISTER OF INDIA." HOW ABOUT THE POSSIBILITY OF REUNIFICATION OF THE TWO PARTS OF KASHMIR? "I AM NOT AN ASTROLOGER; IT DEPENDS ON CIRCUMSTANCES." HOW ABOUT BHUTTO'S CALL FOR A HARTAL (STRIKE) OVER THE AGREEMENT? "WE SHOULD NOT GET UPSET BY THESE MINOR THINGS?" HOW EXOUT THE IMPACT OF THE SPECIAL POSITION GIVEN TO KASHMIR ON RIGHTS OF THER STATES? "INDIA IS A BIG CONTINENT AND NO OTHER STATE HAD SIMILAR PROBLEMS AS KASHMIR HAD. THIS THERE SHOULD NOT BE ANY MIX UP OF THE POSITION OF KASHMIR WITH THAT OF THER STATES. . . ."

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9. MRS. GANDHI WILL MAKE A STATEMENT ON THE AGREEMENT TO PARLIAMENT, PROBABLY NEXT WEEK.

10. REACTION IN JAMMU AND KASHMIR: THE CONGRESS PARTY IN JAMMU

AND KASHMIR ACCEPTS THE AGREEMENT, ALTHOUGH THERE MAY BE A FEW

REBELS SUCH AS ONE STATE YOUTH CONGRESS LEADER WHO HAS ALREADY CRITICIZED IT. CONGRESS MEMBERS HAD WANTED SHEIKH ABDULLAH TO BECOME A PARTY MEMBER AND ABOLISH THE PLEBISCITE FRONT ORGANIZATION ENTIRELY. EXCEPT FOR THIS, HOWEVER, THEY HAVE LITTLE TO COMPLAIN ABOUT. THE HINDU NATIONALIST JANA SANGH PARTY WILL OPPOSE THE AGREEMENT, BUT IT HAS RECENTLY SPLIT IN THE STATE. ALTHOUGH THE BREAK-AWAY PORTION, WHICH HAS JOINED THE NATIONAL BLD PARTY, WILL ALSO OPPOSE THE AGREEMENT, THE TWO HALVES TOGETHER WILL CARRY MUCH LESS WEIGHT IN THE PREDOMINANTLY HINDU JAMMU PORTION OF THE STATE THAN THE UNITED PARTY. IN KASHMIR, BOTH THE JAMAAT-I-ISLAMI AND MIR WAIZ FAROOQ'S AWAMI ACTION COMMITTEE HAVE ALREADY COME OUT AGAINST THE AGREEMENT. THE AWAMI ACTION COMMITTEE IS VERY STRONG IN ONE PART OF SRINAGAR CITY AND MAY BE ABLE TO CREATE DISTURBANCES THERE, AS IT HAS IN THE PAST. THE JAMAAT-I-ISLAMI WON A FEW ELECTIONS AROUND THE VALLEY BY GARNERING THE ANTI-CONGRESS VOTE AND IT MAY SPONSOR SOME PUBLIC MEETINGS. WE ANTICIPATE, HOWEVER, THAT DISTURBANCES WHILE THEY MAY INVOLVE SOME VIOLENCE, WILL BE ISOLATED AND TEMPORARY.

11. REACTION IN THE REGION OF INDIA MRS. GANDHI WILL GET SOME ADDITIONAL SUPPORT FROM INDIAN MUSLIMS AS A RESULT OF THIS RECONCILIATION WITH THE MOST PROMINENT MUSLIM LEADER OF THE COUNTRY'S ONLY MUSLIM-MAJORITY STATE. THE JANA SANGH AND THE BLD WILL OPPOSE THE AGREEMENT NATIONALLY, BUT ITS SUBSTANCE WILL MAKE IT TOUGH FOR THEM TO CHARGE A "SELLOUT" TO SHEIKH ABDULLAH. NOR DOES THE AGREEMENT SEEM TO OFFER MUCH TO "STATES RIGHTS" PARTIES, SUCH AS THE DMK WHICH RULES IN TAMIL NADU.

12. IMPACT ON RELATIONS WITH PAKISTAN: THE RECONCILIATION WITH SHEIKH ABDULLAH, ACKNOWLEDGED LEADER OF THE KASHMIRIS, WILL ENABLE INDIA TO SAY TO THE WORLD, "SEE, THE KASHMIRI PEOPLE HAVE EXPRESSED THEIR WILL." KASHMIR WILL REMAIN AN ISSUE BETWEEN INDIA AND PAKISTAN UNDER THE SIMLA AGREEMENT, BUT INDIA'S BARGAINING CONFIDENTIAL

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POSITION WILL BE IMPROVED BY THE RETURN OF SHEIKH ABDULLAH TO POWER. INDIA WILL ARGUE THAT IT HAS NOT INFRINGED THE CLAUSE OF THE SIMLA AGREEMENT WHICH PROVIDES THAT "PENDING THE FINAL SETTLEMENT OF ANY OF THE PROBLEMS BETWEEN THE TWO COUNTRIES, NEITHER SIDES SHALL UNILATERALLY ALTER THE SITUATION...." ON THE BASIS OF WHAT WE KNOW ABOUT THE AGREEMENT NOW, WE SEE NOTHING THAT INDIA WILL HAVE DONE TO "UNILATERALLY ALTER THE SITUATION" OTHER THAN CHANGE CHIEF MINISTERS OF KASHMIR.

13. IF BHUTTO GOES THROUGH WITH HIS CALL FOR A HARTAL, INDIA WILL

CHARGE PAKISTAN WITH INTERFERENCE IN INDIAN INTERNAL AFFAIRS.
PRIVATELY, HOWEVER, INDIAN DIPLOMATS ADMIT THAT BHUTTO HAS TROU-
BLE WITH HARD-LINE ANTI-INDIAN ELEMENTS IN THE PUNJAB. INDIA WILL
BE UNDERSTANDING AS LONG AS BHUTTO DOESN'T MOVE TROOPS OR PROVIDE
ANYTHING MORE THAN VERBAL SUPPORT FOR OPPONENTS OF THE SHEIKH
IN KASHMIR. THE GOI WILL NOT BE SUPRISED IF BHUTTO USES THE
AGREEMENT AS AN OCCASION TO STOP MOVEMENT TOWARD NORMALIZATION
OF RELATIONS, BUT IT EXPECTS ANY INTERRUPTION IN PROGRESS TO
BE TEMPORARY.
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